

Town of Franklin



Planning Board

**June 17, 2019
Meeting Minutes**

TOWN OF FRANKLIN
TOWN CLERK
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Chairman Anthony Padula called the above-captioned meeting to order this date at 7:00 PM. Members in attendance: Joseph Halligan, John Carroll, Gregory Rondeau, Alternate Rick Power. Members absent: William David. Also present: Michael Maglio, Town Engineer; Amy Love, Planner; Matthew Crowley, BETA Group, Inc.

7:00 PM Commencement/General Business

Chairman Padula announced the meeting would be video and audio recorded for the public's information.

A. Final Form H: 345 East Central Street – McDonald's

Ms. Love stated the applicant was recently before the Planning Board for a Partial Form H with a list of items that were incomplete. BETA has since been out to the site. The applicant has updated and finished the site.

Mr. Matthew Crowley, BETA Group, Inc., stated a site visit was done and an updated report was completed; all issues have been addressed. He noted a concern regarding concrete curbing along the side and rear of the new dumpster pad not installed.

Mr. Rondeau asked about the repainting of the ramp area.

Applicant, who did not identify himself, stated they complied with that.

Motion to Approve the Final Form H: 345 East Central Street – McDonald's. Halligan. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

B. Final Form H: 1280 West Central Street – Milford Regional

Ms. Love stated the Planning Board approved a Partial Form H on March 25, 2019. Since then, the applicant has completed all outstanding items. BETA has been to the site for a final review.

Motion to Accept the Final Form H: 1280 West Central Street – Milford Regional. Halligan. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

C. Decision 60 Corporate Drive – BJ's Gas Station – Special Permit & Site Plan

Ms. Love stated the Planning Board closed this public hearing on June 3, 2019. The Planning Board is scheduled to make a decision tonight. She reviewed her list of recommended special conditions for this decision as outlined in her memorandum to the Planning Board dated June 10, 2019.

Mr. Halligan stated he thought they had discussed a condition about deliveries of fuel on Sunday mornings.

Applicant, who did not identify himself, stated the Special Permit already provides for restrictions on fuel deliveries including Sunday morning.

Motion to Approve 60 Corporate Drive – BJ's Gas Station – Special Permit & Site Plan with the recommended conditions. Halligan. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Applicant stated this should be a role call vote as it is a Special Permit.

Ms. Love stated she spoke with Mr. Mark Cerel, Town Attorney, and this is not affecting any criteria.

Chairman Padula stated this is just an add-on amendment.

D. Decision: Washington Street – Amego – Site Plan

Ms. Love stated at the June 3, 2019 meeting the Planning Board voted to close the public hearing and tonight is the vote on the Site Plan.

Chairman Padula stated he had asked for the special condition to access an easement if needed for Colonial Village and Diana Estates.

Mr. Carroll stated the color renderings need to also be on the plans.

Mr. Rondeau confirmed the applicant was going to do a two-year build out so the neighbors would know.

Chairman Padula asked the applicant to confirm that would be on the plan as well.

Mr. Edward Cannon, Attorney on behalf of the Amego School, and Mr. John Randall, President and CEO of Amego Schools, stated yes.

Motion to Approve Washington Street – Amego – Site Plan with the special conditions attached. Halligan. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

E. Field Change Discussion and Color: Villages at Cook's Farm

Ms. Love stated the applicant provided an update from Conservation regarding the field changes. There has been no other information regarding the field changes. The applicant also provided an update regarding the color of the houses.

Ms. Amanda Cavaliere, Guerriere & Halnon, Inc., and Mr. Ron Roux, developer, addressed the Planning Board. Ms. Cavaliere stated since meeting with the Planning Board on June 3, 2019, the applicant has met with Conservation regarding the field changes; Conservation has no further concerns and were amenable to the field changes. She discussed the proposed change from pervious pavers to impervious pavers and stated the stormwater system is capable of handling that change. She discussed the previously proposed pervious pavers and how around the curves they may lift during plowing and grass mowing which over time will increase costs for the Homeowners Association.

Chairman Padula confirmed the applicant wanted to change from pervious pavers to asphalt. He asked what the original reason for the pervious pavers was.

Mr. Roux reviewed the original reason for the pervious pavers and the curbing that will remain.

Mr. Maglio stated he was not familiar with these particular pavers.

Ms. Cavaliere stated the concrete pavers, when cut, are stone; the ones on the plan are plastic and much flimsier than the concrete.

Chairman Padula asked why the applicant does not use the concrete ones.

Ms. Cavaliere stated because the originally approved ones were plastic, recycled polyethylene.

Planning Board members discussed the stormwater calculations based on the square footage for the pervious pavers and how much water will now go into the stormwater system with the proposed impervious pavers.

Mr. Maglio stated they wanted to make sure the initial stormwater system could handle this new impervious area; the applicant showed that it can.

Mr. Crowley stated they have not monitored this during a typical storm event to check outflows. BETA could do that, but based upon modelling, it shows the current stormwater system can handle it.

Ms. Cavaliere confirmed it is an additional .156 acres. The drainage analysis and revised calculations were provided in the May 16, 2019 submittal.

Mr. Halligan confirmed the only reason they had pervious pavers to begin with was aesthetics, not because they could not control the water.

Chairman Padula stated he does not know how plastic got on the approved Site Plan as he had always assumed it was concrete.

Mr. Roux stated on page 25 of the plans it shows the plastic pavers.

Ms. Cavaliere reviewed the location of the pavers on the plans.

Mr. Carroll asked about installing signs for parking spaces as he has been to the site and has seen people parking on the grass and not in the spaces.

Ms. Cavaliere stated they could look at that to see if signs need to be added.

Mr. Halligan confirmed he does not have a problem going from pervious to impervious pavers based on Mr. Maglio's and BETA's confirmation that the drainage system works efficiently.

Ms. Cavaliere stated the applicant worked with both Mr. Maglio and BETA regarding the stormwater and drainage calculations in revising this plan. She stated the changes will be shown on the As-Built.

Mr. Halligan requested random core samples throughout the project to make sure the neighbors and the residents were getting the proper amount of pavement, not just the thin coat along the edges.

Chairman Padula confirmed 2.5 in. base and 1.5 in. finish.

Motion to Approve the change to eliminate the pervious pavers and go with the impervious pavers at the Villages at Cook's Farm. Halligan. Second: Carroll. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Roux discussed the colors for the remaining five units; he said all are colors that have been already used.

Chairman Padula stated the concern was what was supposed to be submitted at time of endorsement to the original plan; the applicant never did that. The colors should have been attached with the approval.

Mr. Halligan stated there are few units remaining and the colors have been a free-for-all prior to tonight. It is on the Special Permit approval. He does not think this is something that just slipped. The applicant should have known. The promise was, from the beginning, the color renderings would be attached to the Site Plan, so the Town would know what they were going to be getting. That is not fair to the Planning Board. He stated the Planning Board does not pick colors; it is the applicant's responsibility to come forward with the colors that

were proposed. It was never done. He thinks there are only a few colors there that are not aesthetically pleasing, in his opinion. This was not to be a free-for-all plan that anyone could come in and choose the color they wanted. This was a Special Permit. He accepts the project, but it is not fair to the Planning board that they only get to say okay on the last three houses.

Mr. Roux explained what he thought happened. He said he thought people knew what the Benjamin Moore historic colors were.

Chairman Padula stated Design Review does not pick colors; they recommend to the Planning Board. He stated the applicant gave a chart with 52 colors on it.

Ms. Michelle Previt stated she lives in the Villages at Cook's Farm and her house faces the orange house at the corner of Eighteenth Drive and Rt. 140. She has a problem with the color as she does not feel it reflects the overall aesthetic of the Village. She said she expressed her concern to Mr. Roux. Although it is a historic color, she does not feel it belongs. She did not know until recently that the Town had a problem with the colors. She thought the plan safeguarded against the colors going wildly off the grid.

Mr. Halligan stated without the Planning Board putting in some restrictions, what stops anyone from painting those houses any color they want.

Mr. Roux reviewed the process by which the homeowner would have to get a house color approved.

Mr. Halligan stated he agreed with all the colors except the orange color house and asked the applicant to change that color.

Chairman Padula confirmed the orange house color needed to be changed.

Mr. Roux stated the people who live there love the color. He showed the Planning Board colors that the current homeowner would consider.

Chairman Padula stated the applicant did not have the right to submit 52 colors and it was given to the Planning Board after the fact of the whole development being built.

Mr. John Mastriani, General Manager, Lobbiser Construction, stated they will paint that house.

Chairman Padula said thank you and he appreciated that.

Mr. Halligan stated once the colors are approved, it goes with the Special Permit for life.

7:05 PM **PUBLIC HEARING** – *Initial*
 40 Alpine Row
 Special Permit & Site Plan Modification
 Documents presented to the Planning Board are on file.

Motion to Waive the Reading. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Halligan recused himself.

Chairman Padula activated Alternate Planning Board member Rick Power as this public hearing is for a Special Permit & Site Plan Modification.

Ms. Amanda Cavaliere, Guerriere & Halmon, Inc.; Mr. Nicholas Erickson, As-Built Brewing; Mr. Erik Trowbridge, As-Built Brewing; Mr. Kenneth Mello, Attorney from Somerset; and Mr. Alex Siekierski, Joe the

Architect LLC, addressed the Planning Board. Ms. Cavaliere stated they were requesting a Change in Use and Special Permit to operate a brewery in the Downtown District at 40 Alpine Row. Currently, the site is being utilized by a landscape company and previously an oil and heating supply company. They realize that across the street is a neighborhood, but it would be a significant improvement to the area based on the current site utilization. They proposed parking, paving, landscaping, and drainage pattern improvements. She reviewed the proposed plans for the existing 6,100 sq. ft. building for a brewery with a 1,750 sq. ft. tasting room. They have a total of 44 provided parking spaces. Based on calculations, only 13 are required in the Downtown Commercial District. She reviewed the plans including the dumpster locations, improvements to drainage patterns, and removal of the current concrete wall.

Mr. Maglio stated they reviewed the plans. He referenced his comments as outlined in his letter to the Planning Board dated June 12, 2019. He highlighted some of his key concerns including that he was unclear if the entire parking area was to be repaved. He discussed the proposed new grading. A drainage analysis should be submitted. Two handicap parking spaces should be provided; only one is shown on the plans. He noted the plans showed an exterior grease trap which would be required.

Ms. Love stated letters from the Deputy Fire Chief and Conservation have been received; neither expressed any concerns. BETA was not asked to review the site at this time. She recommended a crosswalk from the handicap parking space to the front door. She stated the applicants have received Design Review recommendation. The applicant has provided information on the lighting.

Chairman Padula stated this has never had a Site Plan, but they have an application for a Site Plan Modification. Is there a signed copy by the Planning Board of the original Site Plan? There cannot be a Site Plan Modification unless there is a Site Plan. Otherwise, this has to meet all the standards for a Site Plan. He said he wants to see drainage. He asked about curbing on the street side and confirmed there was no curbing. He asked the applicants additional questions.

Mr. Erickson stated they were planning to have a kitchen tenant. He stated they would have music playing like at any establishment, but no live band; they are not planning to be a live show venue. He stated the lower garage building is still being used by the landscaping company that formerly occupied the main building. They are currently leasing the building from the property owner.

The property owner, who did not identify himself, stated the landscaper is moving to a location in Bellingham on July 1, 2019.

Planning Board members asked questions.

Mr. Erickson stated they plan to disturb the site as little as possible. He said they will keep pavement in place that is in good condition. He explained the areas that would need replacement. They have no plans for the second garage if the current tenant moves out. He discussed snow storage and said he would put it on the plans. He discussed the drainage plans and proposed plantings. He said they are looking into solar panels on the roof. He noted they will be replacing the rooftop air conditioning. They plan to brew two times per week.

Chairman Padula stated he wanted a sound barrier around the rooftop units. He and Mr. Carroll stated there will be no live entertainment on the Special Permit; it is too close to a residential area.

Citizens' Comments and Responses: ► Ms. Beth Wierling, 164 Main Street, stated she was speaking on behalf of herself, her husband, and the Downtown Partnership, and they support the As-Built Brewing Company. She stated acoustic guitars would be a great addition to this establishment. ► Ms. Kellie Latimer, 480 Union Street, stated breweries like this have become a magnet for people coming into towns and exploring. It could do a good job of bringing people to town. ► Mr. Adam McCarthy, 56 East Street, said he is used to noise as he lives downtown. He has met the owners of the brewery and said they are all good kids. This is not like another barroom. He said he gives them a good word of support. ► Mr. Erickson reviewed the hours of operation:

Thursday and Friday, 4 to 10 PM; Saturday, 11 to 10 PM, and Sunday 11 to 6 PM. ► Attorney Mello explained with the early closing hours, they would like to have an acoustic guitar for consideration. ► Mr. Richard McNeill, 73 Alpine Place, stated he is in favor of this as it will bring in more jobs to the community. ► Attorney Mello stated one storm infiltration basin has failed on the property. In the area they have proposed to pave, that basin would be replaced. ► Resident of North Park Street stated As-Built Brewery is a great idea. ► Mr. Peter Rochat, owner of Pete's Nerd Emporium, voiced support for this project. It is a great economic opportunity for all of us in the Downtown. ► Ms. Mary Diehl, 110 Populatic Street, stated she is concerned about the use. How good will they be with IDing and how strict will they be? She has six children and does not believe there are any benefits for them to be exposed to this. There are a lot of college students in town. This is not good for brain development. ► Attorney Mello stated that as civil engineers, the owners are concerned about roadways being safe for the general public to travel. Along with that they are concerned with operators of the vehicles being safe to operate. They have committed to having all employees TIPS trained and they will have an ID scanner.

Chairman Padula reiterated they are abutting a neighborhood on a one-way street. There should be no noise protruding from the place to disturb the neighborhood. He has no problem with the facility. He wants to make sure the drainage is done right. He noted to the owner of the property there have been complaints of people defecating on the property. He suggested they install an outhouse so there will be no more complaints. He wants the drainage taken care of and a Site Plan done.

Motion to Continue the public hearing for 40 Alpine Row, Special Permit & Site Plan Modification, to July 22, 2019 at 7:05 PM. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Halligan re-entered the meeting.

7:10 PM

PUBLIC HEARING – Continued

158 Grove Street – Change in Use

Special Permit & Site Plan Modification

Documents presented to the Planning Board are on file.

Motion for a five-minute recess. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Maglio stated the revised materials were reviewed. He said sight distance has been added to the plans. He noted the intersection sight distance for vehicles leaving the site is only 217 ft. to the left. According to the Zoning Bylaw, egressing vehicles shall have 400 ft. of visibility in each travel direction. He does not know if procedurally that means a waiver or a variance for zoning. He noted the parking lot was recently seal coated and the spaces restriped. He noted the plan shows restricted one-access around the building to address the narrow aisle width of 19 ft. The Zoning Bylaw requires a minimum aisle width of 24 ft.

Ms. Love stated since the last meeting the Board of Health submitted a letter. Based on the septic, they ask that if this is approved it have a special condition of being limited to 39 seats. Another special condition to be considered is that there be no parking on Grove Street at any time. The dumpster is not located on a concrete pad and is not fenced.

Mr. Edward Cannon, Attorney on behalf of Franklin Brewing Company LLC; Ms. Amanda Cavaliere, Guerriere & Halnon, Inc.; and Olivier Edouard, Franklin Brewing Company LLC, applicant, addressed the Planning Board. Ms. Cavaliere stated parking concerns had been mentioned at the last Planning Board meeting. She stated the applicant understands the parking constraints of the site and is limited by the 39 maximum seats at any one time per the Board of Health. She stated based on calculations, they require 19 parking spaces and there are two other tenants there during normal business hours. The applicant will have off-regular hours for the brewery except for about ½ hour overlap.

Mr. Cannon stated they are requesting from the Planning Board a determination that a lesser provision of parking would be adequate for all the parking needs because of special circumstances such as shared parking

and peak parking demands at different times. He described the other two tenants, their needs for parking, and the timing overlap for parking. He said his client would apply vigorous enforcement of the parking. He noted there will be no food served on the site. He would like to have folks bring their own food; there will be no cooking facilities which tend to keep the number of people down. Should the other tenants do a change of use, the owner understands the limited parking. For those reasons, they believe a determination would be appropriate.

Chairman Padula said conditions of the Special Permit will include no entertainment, signage for no parking on Grove Street, and any change of use for any of the three tenants will have to return to the Planning Board.

Planning Board members asked questions.

Mr. Edouard said there will be two employees.

Ms. Cavaliere noted there are two garage doors.

Mr. Halligan requested bollards be placed in front of the garage doors so a full-size truck could not get in as the drains are going to be capped. This has been requested on other applications as well. He asked why this tenant is being asked to go to ZBA for a sight distance variance when it is a pre-existing building.

Chairman Padula stated it is now a building open to the public.

Ms. Cavaliere discussed the sight distance. She noted vegetation was cut back to improve the sight distance.

Mr. Halligan suggested as a special condition they could add that if there was any change in the use, they must come back and comply to sight distance. He noted his opinion is with the stipulation of no live entertainment, there will not be that many people there at one time.

Ms. Cavaliere stated they looked at putting the driveway in another location.

Chairman Padula stated the process must be respected and they are almost at half the site distance.

Mr. Maglio stated there are two parts to sight distance. First is with the intersection which does not meet the criteria. Second is the stopping sight distance with vehicles on Grove Street as they are approaching the site which does meet that criteria. There may need to be some signage on Grove Street.

Chairman Padula noted signs do not always work. He discussed the sight distance.

Mr. Halligan stated it is not the use creating the sight distance situation, it is the condition of the street.

Chairman Padula stated the following conditions. The tasting room is restricted to a maximum of 39 seats and parking is not permitted on Grove Street at any time. There will be no change in any of the three uses otherwise they have to come back. Bollards are required in front of the garage doors. There will be no live entertainment.

Mr. Edouard confirmed hours of operation are Wednesday through Friday 4:30 to 10:00 PM, Saturday 12:00 to 10:00 PM, and Sunday 12:00 to 6:00 PM.

► Ms. Karen Wellerson, 222 Daniels Street, stated she is speaking in favor of this operation. It is important to continue to work toward economic development. ► Mr. Alec Danz, 4 Brain Road, stated his strong support for the project. He lives next door to Mr. Edouard and his family and is confident this will be a great project.

Motion to Close the public hearing for 158 Grove Street – Change in Use, Special Permit & Site Plan Modification. Halligan. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Chairman Padula stated this would be put under General Business for July 8, 2019.

7:15 PM

PUBLIC HEARING – *Initial*

195 Main Street – Hayward Manor

Special Permit & Site Plan Modification

Documents presented to the Planning Board are on file.

Motion to Waive the Reading. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

Mr. Craig Ciechanowski, Attorney, representing the Anglican Church of the Redeemer, Inc. which is a religious organization already located in Franklin, stated they have an agreement to purchase 195 Main Street which is the Hayward Manor property. That property is presently used for office uses. He stated in 2005 and 2007 the Planning Board issued Special Permits for the property for the office use and the impervious coverage as the property is located within a residential zoning district. One of the conditions placed upon both of those Special Permits was that a transfer of ownership would trigger new Special Permits which is why they are here tonight. He stated they are proposing only a change in ownership. There is no change in the office use. There are no changes proposed to the interior or exterior of the property. The members of the church, some who are present at tonight's meeting, fully understand that if they ever decide to change the use they will need to come before the Planning Board for that change in use and any site plan modifications that may be necessary. He stated the current owner of the property is present at the meeting, as well.

Mr. Maglio stated he had no comments on this application.

Ms. Love stated this is strictly for a change in ownership. She noted the applicant still owes the Town of Franklin \$440.14 for advertising and legal fees.

Chairman Padula asked questions.

Mr. Ciechanowski stated all the current tenants are being allowed to remain.

Mr. Halligan asked if this property will be taken off the tax roll as it will be owned by the church, or if the church will continue to pay taxes on the parcel until it becomes a full church-occupied facility.

Mr. Ciechanowski stated the church will continue to pay taxes on the property until it ever becomes a charitable use which then becomes exempt from property taxes. If the church were to take over any of the space for the purposes of their mission, they would have a conversation with the assessor's office regarding prorating the amount of space. However, that is not in the plans right now.

Mr. Halligan asked for that information to be put in the decision.

Ms. Beth Wierling, 164 Main Street, asked if the new owner plans to be a community partner as many events occur in the Hayward Manor area.

Mr. Ciechanowski responded that they would love to continue to do that.

Motion to Close the public hearing for 195 Main Street – Hayward Manor, Special Permit & Site Plan Modification. Halligan. Second: Carroll. Vote: 4-0-0 (4-Yes; 0-No).

Motion to Allow that the property would continue to remain on the Franklin tax roll until the church takes the property over and it would be prorated accordingly for taxes based on square footage if the church took over part of the building for use by the church, for 195 Main Street – Hayward Manor, Special Permit & Site Plan Modification. Rondeau. Second: Halligan. Vote: 4-0-0 (4-Yes; 0-No).

7:20 PM

PUBLIC HEARING – Initial**1256 West Central Street**

Special Permit & Site Plan Modification

*Documents presented to the Planning Board are on file.****Motion to Waive the Reading. Halligan. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).***

Mr. Patrick Sullivan, Attorney with offices in Attleboro, MA; Mr. Chirad Patel, Principal of GTE Franklin; and Mr. Rick Goodreau, Engineer of United Consultants, Inc., addressed the Planning Board.

Mr. Maglio stated he reviewed the submittal and had several comments as outlined in his letter to the Planning Board dated June 10, 2019. He reviewed several of the comments. He stated the Planning Board may want to have the proposed parking and traffic impacts evaluated as this is a relatively new use for the Town of Franklin. He reviewed some concerns regarding drainage designs and noted the applicant has requested a waiver for this. The existing stormwater basin is overgrown and has not been maintained in the past. Maintenance and upgrades to the basin should be made to bring it up to current standards.

Ms. Love stated a letter was received from the Acting Fire Chief; she is still awaiting a letter from the Conservation Agent. BETA is in the process of reviewing the application. The applicant is providing 89 parking spaces where 50 are required. They are proposing Cape Cod berm throughout the site. There are two locations for the dumpsters; she asked if they will be on concrete pads and fenced in. She stated the applicant will need to file with Design Review.

Chairman Padula read aloud the letter dated June 4, 2019, from James Klich, Acting Fire Chief. Chairman Padula stated he recommended a traffic study. He noted the drainage must be brought up to current standards. There will be no parking on Rt. 140. There will be no Cape Cod berm; it will be vertical granite or concrete.

Citizens' Comments and Responses: ► Ms. Stacey David, 11 Norumbega Circle, stated she has been the Chair of the Franklin Cultural Council for the last three years and has been on the Cultural District Committee for the last two years. She has spent hundreds of hours promoting arts and culture in this town. She thinks having a retail pot shop in town is going to negatively impact that. She provided a specific example from her attendance at a recent MetroFest event in Framingham related to the possible negative impact. She suggested whatever economic impact the proposed business may have would be offset by what would be lost by the people who would now not come to town because they do not want to come to a town having such a business. That is of serious concern to her. She is also concerned as a parent with children in the school system having lines of people standing outside the business. ► Chairman Padula asked questions about what the Town of Franklin approved. ► Ms. Love stated the Town Council approved a Marijuana Overlay District. ► Mr. Halligan stated the State requires towns to have an area. The Town Council voted for a limited area so if any applicants did come forward, they could only go in that area and not in the Downtown District. There are specific areas in zoning that it would be allowed under a Special Permit. ► A resident asked if it could be put on the ballot. ► Chairman Padula stated it is too late as the Town already has an overlay district. ► Ms. Jeanne Monahan, 10 Anthony Street, stated she is very opposed to any kind of retail pot shop in Franklin. She is concerned about people purchasing and consuming the product and being under the influence, the strain on police, being close to where children play, and the overall negative impact on the Town and property values. ► Ms. Christine Manns, 18 Dover Circle, stated she loves the community and the community has been voted as one of the safest in the US. There is also a SAFE Coalition in the community to deal with the drug and opioid crisis. She believes that a pot shop in town is not conducive to what they are trying to do in Town with the SAFE Coalition and keeping people safe from drugs. She believes they have to protect the citizens. Many communities have already said no to pot shops. She believes the citizens of Franklin should have a right to vote on the issue; it should not just be approved without the citizens having any say. She does not want people driving to our community just to purchase pot. ► Ms. Luran Kearney, 148 Longhill Road, stated the DARE programs and police were in the schools trying to keep kids off drugs. Now we are going to provide an avenue for people to get a drug that for years we have been talking down. ► Ms. Maura Pearce, 2 Ashbury Drive, stated she recognizes the need for the

Town to raise revenue. However, she implores them not to accept relatively few revenue dollars for the launch of a public health and public safety crisis. She opposes any approval of retail cannabis entities. She asked any approval to be held for two to five years so such practices can be tracked and evaluated. She reviewed the first two pot shops that were opened in the State and the numerous violations they had. She discussed driver safety issues and overtaxing the police. She is concerned about the citizens of Franklin. ► Mr. Halligan stated he wishes the speakers were involved when the Town Council zoned this; this is now a legally zoned area. Now that it has come this far, the Planning Board has to see if the criteria for the Special Permit is met. Does it hurt the character of the neighborhood, does it have a social impact, etc.? The Planning Board cannot base its decision on maybe it goes from pot to a higher drug. ► Ms. Pearce stated the Planning Board seemed very concerned with drainage and the playing of an acoustic guitar regarding the surrounding neighbors, so how is this not a concern to the surrounding neighborhood. ► Mr. Halligan said their decisions has to be made on the Special Permit criteria. ► Chairman Padula stated the Town Council was trying to be proactive in keeping them away from the center of town, the schools, etc. This applicant is within the overlay area. ► Ms. Pearce asked that the hours of operation be limited. ► Ms. Alisa Hansen, 11 Northern Spy Road, stated she believes the legal age is 21 years old. Her concern is with IDing. There are lots of underage children in the area. She would hate to see student athletes go to the business after school or practice. She is grateful for the overlay; however, it is very close to Tri-County High School, Franklin High School, and Dean College. She is concerned about people going into the abutting medical facility; having a marijuana shop next door is not a good situation. ► Chairman Padula stated it can be denied if the applicant does not meet the Special Permit criteria. ► Mr. Richard McNeill, 73 Alpine Place, stated he respects the opinions of those around him, but he is a proponent of having a retail marijuana shop in Franklin. He is a disabled veteran and he is in pain as part of his life. He would welcome a retail shop that would help him relieve his pain. There are many people in the same situation as he is with pain. This would be an alternative to opioids. ► Ms. Caitlin McMahon, 454 Union Street, stated she does not agree with many of the members of the community. There are now 20 shops open in Massachusetts. She does not think a marijuana shop will disrespect the community especially based on where it is located. Over 50 percent of the people in Franklin approved it when it was on the State ballot. She voiced her support. ► Mr. Aaron Gouveia, 41 Marvin Avenue, asked security is proposed.

Attorney Sullivan, on behalf of the applicant, reviewed each of the criteria for the Special Permit and explained they believe they have complied with each criterion. He stated he believes the application is consistent with the bylaws. He commented that Franklin voted in the majority for legalizing recreational marijuana and Franklin has created a Marijuana Overlay District. In response to Chairman Padula's questions, he noted there are five other tenants at the site; they will be replacing one of the tenants.

Mr. Goodreau provided an overview of the site and reviewed the square footage for each tenant and the required parking spaces.

Mr. Halligan said common sense must be used when reviewing the parking spaces. He noted that some of these places use an appointment-only method.

Mr. Goodreau stated the applicant is proposing hours of operation from 8:00 AM to 10:00 PM. They are proposing to operate by appointment only with 40 maximum appointments per hour until they get a feel for how the appointments are running. If they are not fully occupied, they may change that.

Mr. Patel explained the typical browsing session for a new customer is about 10 to 15 minutes with a repeat customer using 5 to 10 minutes. He explained the use for the carbon filter for the open jars of product that may have a smell. It would be for odors in the store. There is no on-site consumption. He stated they met with Police Chief Lynch to review the security measures and protocols which he reviewed with the Planning Board.

Chairman Padula asked about trucks that would be on the site for the other tenants.

Mr. Halligan asked if the applicant would be willing to hire a detail police officer to monitor the situation to start with so the neighborhood does not have to worry about consumption in the parking lot.

Mr. Patel said they would consider that if recommended by the Planning Board.

Chairman Padula stated he would recommend a traffic study.

Mr. Crowley, in response to Mr. Halligan's question about a traffic study, stated BETA has a large traffic department and would have the resources to conduct a traffic study for this type of facility.

Mr. Halligan asked if there has been any thought to a satellite parking lot with shuttle buses.

Mr. Patel stated they created about 30 extra parking spaces in anticipation of this; we do not plan to backup Route 140.

Chairman Padula stated there will not be any traffic lining up on Route 140. If this is approved, there will be signs on Route 140, there will be no cueing traffic to go into the facility.

Motion to Recommend a traffic study for 1256 West Central Street, Special Permit & Site Plan Modification. Padula. Second: Carroll. Third: Halligan.

Chairman Padula confirmed this will be an independent traffic study done by someone the Town hires as the Planning Board has the right to do this.

Mr. Crowley stated BETA is capable of providing that service.

Chairman Padula stated the applicant must straighten out the drainage.

Mr. Goodreau reviewed the onsite drainage regulations. He explained they have a reduction in runoff, but a slight volume increase for which a waiver request is proposed. There are four waiver requests: one for volume increase which BETA has not had an opportunity to look at. They also have to meet with Conservation. Another waiver request is for Cape Cod berm and the other two waivers are with respect to the underground drainage system.

Chairman Padula stated RCP pipe will be under any area where it will be driven over.

Mr. Halligan said they need a common-sense approach on the parking schedule. It is known that this use is going to be a high volume. He wants to find out realistically how much the other tenants are using for parking and how much this facility will need. He wants to know what the capacity of parking is, not just that they meet the standards for parking.

Chairman Padula stated he will recommend a detail police officer until a time which the Franklin Police Department thinks they do not need a detail officer anymore.

Mr. Rondeau asked for a clean set of plans showing parking.

Mr. Goodreau said he would provide that.

Mr. Patel stated they have had four to five meetings with Mr. Jamie Hellen, Town Administrator who seems to think everything is okay. He noted Mr. Hellen mentioned traffic. He confirmed this would be his first location.

Mr. Halligan asked the applicant if he would be okay with coming back for a change in ownership in case this were going to be flipped and sold.

Chairman Padula stated the Special Permit would be granted to Mr. Patel. If there were a change in ownership, they would have to come back for a Special Permit.

Mr. Sullivan said he thinks this would be okay, but he would like a chance to talk to his client.

Ms. Beth Wierling, 164 Main Street, stated she was concerned there was no written letter from the Police Department provided and she would like their comments or concerns on this.

Resident asked what the process would be to change the law.

Chairman Padula stated petitions with three percent would be needed and then it could be put on the ballot in November.

Mr. Goodreau asked about the traffic study requested by Chairman Padula. He stated they have not contacted MassDOT; they will follow up as Mr. Maglio brought it to their attention.

Mr. Halligan stated he wanted an independent study with no coaching by the applicant in providing information. He confirmed the traffic study will be at the applicant's expense.

Chairman Padula stated there are a lot of things to consider here. It is the Planning Board's job to review this.

Resident suggested those opposed to the dispensary go to other dispensary locations to see what it is like.

Resident asked everyone to think about if this is the kind of facility we want in the Town of Franklin with its heavy surveillance and police officer requirements.

Mr. Halligan noted this sounds like a liquor store with the ID process.

Motion to Continue the public hearing for 1256 West Central Street, Special Permit & Site Plan Modification, to July 22, 2019 at 7:10 PM. Carroll. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

7:30 PM **PUBLIC HEARING** – *Continued*
 Maple Hill – Maple Street
 Preliminary Subdivision
 Documents presented to the Planning Board are on file.

Chairman Padula stated a request for continuance to July 22, 2019 was received.

Motion to Continue the public hearing for Maple Hill – Maple Street, Preliminary Subdivision, to July 22, 2019 at 7:15 PM. Halligan. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).

7:35 PM **PUBLIC HEARING** – *Continued*
 Upper Union Street Solar
 Special Permit & Site Plan
 Documents presented to the Planning Board are on file.

Mr. Harry Tatelbaum, project developer of Kearsarge Energy, addressed the Planning Board for a ground-mounted solar system. He stated they received full approval of their NOI from the Conservation Commission. They submitted their last set of drawings to the Planning Board. They have addressed the last comments from BETA. He noted he thinks one remaining concern is a tax agreement with the Town and they are still working on that with Mr. Jamie Hellen, Town Administrator.

Ms. Love stated she did not have a letter from Mr. Hellen, but she has spoken with him and the Town is in the process of drafting the agreement. She recommended conditioning this permit if approved as similarly done with another applicant, NEXAMP.

Mr. Halligan stated he wants to add the wording of an acceptable agreement with the sole discretion of the Town of Franklin's Town Administrator. He, Chairman Padula, and Ms. Love discussed the wording to be used.

Mr. Tatelbaum said he thinks he would be comfortable with that language.

Mr. Crowley stated all comments have been addressed. He discussed there is still an energy storage system with an energy storage inverter in it located on the residential side which could make noise.

Mr. Tatelbaum explained the energy storage system and the noise it makes. The storage unit is in a container.

Mr. Maglio stated all his comments have been addressed.

Resident of Mount Street who lost his home due to a recent fire stated he is still concerned about the fire issues. He reviewed a fire situation that occurred in California with one of these facilities. He asked if the location of the fire hydrant has been looked at since the last meeting.

Mr. Maglio stated the nearest hydrant is on Upper Union Street. To extend the line, they would have to go to Town Council to extend the map amendment and construct a water line down the street to this.

Chairman Padula stated if a subdivision were built there, they would need a hydrant for fire suppression.

Ms. Love stated the letter from the Fire Department was before the fire that occurred in this location.

Mr. Tatelbaum stated he met with the Acting Fire Chief who was comfortable with the plan as outlined.

Resident stated they should be proactive. There are a lot of trees in the area. The water line would only have to extend ¼ mile. The neighborhood should benefit in some way.

Mr. Halligan said he thought everyone was pretty comfortable with the applicant moving the inverters and adding extra trees. Fire protection is important, but fires can happen without solar farms.

Chairman Padula stated they have to go by what the Fire Chief says; he read the Fire Chief's last letter of May 2019. He, Mr. Halligan, and Mr. Maglio discussed the possible cost of extending the water main and water supply.

***Motion to Close the public hearing for Upper Union Street Solar, Special Permit & Site Plan. Halligan.
Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No).***

Mr. Tatelbaum asked if the Planning Board could vote tonight. He explained the need for the vote to be taken as soon as possible to get the project into the State program.

Planning Board members informally agreed to take the vote tonight.

ROLL CALL VOTE:

This determination shall be in addition to the following specific findings:

Special Permit VOTES: §185 Attachment 4, Use Regulation Schedule, Part III, 3.14:

To allow for a Large-Scale Ground Mounted Solar Energy System within Rural Residential I Zoning District.

Chairman Padula read aloud the following.

- a) Proposed project addresses or is consistent with neighbor or Town need.
Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)
- b) Vehicular traffic flow, access and parking and pedestrian safety are properly addressed.
Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)
- c) Public roadways, drainage, utilities and other infrastructure are adequate or will be upgraded to accommodate development.
Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)
- d) Neighborhood character and social structure will not be negatively impacted.
Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)
- e) Project will not destroy or cause substantial damage to any environmentally significant natural resource, habitat, or feature or, if it will, proposed mitigation, remediation, replication or compensatory measures are adequate.
Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)
- f) Number, height, bulk, location and siting of building(s) and structures(s) will not result in abutting properties being deprived of light or fresh air circulation or being exposed to flooding or subjected to excessive noise, odor, light, vibrations, or airborne particulates.
Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)
- g) Water consumption and sewer use taking into consideration current and projected future local water supply and demand and wastewater treatment capacity, will not be excessive.
Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)

The proposed use will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site.

Padula-YES; Halligan-YES; Rondeau-YES; Carroll-YES. Vote: 4-0 (4-Yes; 0-No)

Chairman Padula stated that also included, as listed in the Memorandum from Department of Planning and Community Development to Franklin Planning Board dated June 12, 2019, are the Standard Conditions of Approval #1-11 and the Suggested Special Conditions #1-4 with a change in wording on #1 to indicate the Town's sole discretion. Vote: 4-0 (4-Yes; 0-No)

Motion to Adjourn. Halligan. Second: Rondeau. Vote: 4-0-0 (4-Yes; 0-No). Meeting adjourned at 10:15 PM.

Respectfully submitted,


Judith Lizardi,
Recording Secretary